

From: Chris Dees
To: Microsoft ATR
Date: 12/10/01 1:49am
Subject: "Microsoft Settlement."

Hello,

My name is Chris Dees, I would like to express my disappointment at the Department Of Justices' decision in the Microsoft Antitrust remedy. Microsoft was found guilty of operating an abusive monopoly, of what is arguably the most important industry to our nation's future. No one aside from Microsoft, and apparently the DOJ, feels that this is a proper remedy; THE STATES THAT HAVE AGREED TO THIS SETTLEMENT HAVE GIVEN UP. With all due respect to the legal professionals and Judges involved in this matter, I implore you, reconsider your decision. My reason is the fact that the only people who seem to have understood the consequences of this remedy were from Microsoft. You obviously don't understand the impact that this decision will have on the future of the high technology field. Microsoft MUST be held accountable for their actions, and this remedy DOES NOT.

We are on the cusp of a revolution in our society. Microsoft realized this early on and due to several smart business decisions, and in no small part to the ignorance of the general populace, they have positioned themselves to hold more than their share of the marbles right now. The high tech industry, and especially the software segment is a totally different business model than any known industry. So different, in fact, that there is no only good analogy for it. That said, this case should have been handled accordingly, yet it was not. The advisors that the DOJ utilized, if any, were not as astute as Microsoft's, and it shows.

THE SOFTWARE INDUSTRY'S EXISTENCE DEPENDS ON AN OPERATING SYSTEM! It is incredibly time and resource intensive to develop a new OS from scratch.

That is why the field of operating systems is extremely narrow. This is also why we, as a public, have been suffering with a DOS based operating system for the better part of the last 10 years, this is how long it took Microsoft to write and improve their NT product to the point that it is fast, usable and stable. This is why Apple recently took the code base from FreeBSD Unix when reinventing it's Mac OS. The fact that Microsoft has dominated the desktop operating system market, places them in the drivers seat for the software industry. They have to give a software manufacturer certain information before that company can write software that runs on Windows. Unfortunately Microsoft made the poor choice to abuse this commanding position and started doing things like using the licensing of such information as a carrot to keep software developers from writing software for any other OS or platform. I do fault Judge Penfield-Jackson for saying what he did outside of the courtroom, but his anger was not unfounded. He understood the enormity of Microsoft's transgressions, and that their attitudes were that of indignance. This is what incensed Judge Penfield-Jackson, the flippant expressions and dishonesty in his courtroom. Based on all the information, Microsoft was found guilty, not that most high tech professionals ever doubted that. Anything short of separating the Microsoft operating systems from ALL other Microsoft products seems a

miscarriage of justice. I understand that due to Judge Penfield-Jackson's conduct, a break-up looks like fodder for appeal, but ignoring what is the just and right for that reason, is worse. They also need to keep their operating system out of the schools, they should be donating MONEY ONLY, lest we further their monopoly into a segment which is currently dominated by Apple. LET THE SCHOOL DECIDE WHAT SOFTWARE THEY WANT TO USE, ESPECIALLY THE UNDERPRIVILEGED, AS THEY MIGHT NOT HAVE A CHOICE OTHERWISE.

Another problem I've seen is in Section III(J)(2), it contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ...". Being as Microsoft's biggest threat right now is from free and "Open Source" software developed by individuals who develop because they love it, namely the Linux Operating System. This section relieves Microsoft of the burden of acknowledging these companies and individual's rights in the industry. Microsoft can't understand these businesses, therefore they abhor them, I have a distinct feeling that this verbiage was not suggested by the DOJ. Please don't follow their lead and shun what you don't understand, find out about it, it's a new thing, therefore you must learn how it works. I understand that Microsoft shouldn't have to cater to every penny-ante out there, but the DOJ SHOULD DEFINE WHAT CRITERION ARE SET FOR THE "REASONABLE AUTHENTICITY, AND VIABILITY" OF A GIVEN BUSINESS, NOT MICROSOFT! A company or individual shouldn't have to make money to be considered a business if they are willing to pay licensing fees and want to develop with Microsoft. At the very least Microsoft should be assigned more than 3 watchdogs, and the people chosen should be very tough, yet fair and honest, like Mr. Steve Satchell. But who is to chose? the DOJ, no thanks, I think they've demonstrated how well they understand the matters at hand. I think the government either needs to tap some high tech professionals to form a Federal Advisory Board, or use their own senior hackers from the NSA or CIA to police Microsoft's activities. Lastly, I simply ask once again that this crime not go unpunished, which is exactly what I and the overwhelming majority of high tech professionals feel has happened. Through ignorance, exhaustion, or some other unknown reason, a monopoly not only goes unpunished, but manages to actually strengthen their stranglehold on a vital industry, where is the justice in that? Believe it, it's true!

Sincerely,
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